

1054

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8460

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

Ana Elizabeth GUTIERREZ,  
Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF


21 U.S.C. § 952 and 960

Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

On or about May 22, 2008, within the Southern District of California, defendant Ana Elizabeth GUTIERREZ did knowingly and intentionally import approximately 31.56 kilograms (69.43 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

  
Timothy L. Henderson  
Special Agent  
U.S. Immigration & Customs  
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 23<sup>rd</sup>  
DAY OF MAY, 2008.

  
Peter C. Lewis  
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Ana Elizabeth GUTIERREZ

4 STATEMENT OF FACTS

5 This complaint is based upon the personal observations, investigation and  
6 information provided to U.S. Immigration and Customs Enforcement Special Agent  
7 Timothy Henderson.

8 On May 22, 2008, Ana Elizabeth GUTIERREZ made entry into the United States  
9 from Mexico through the Calexico, California West Port of Entry. GUTIERREZ was the  
10 driver of a Chevrolet passenger car.

11 Customs and Border Protection Officer (CBPO) A. Gordon was working primary  
12 lane two (2) at the Port of Entry when GUTIERREZ made entry into the United States.  
13 CBPO Gordon received a negative Customs declaration from GUTIERREZ. CBP  
14 Canine Enforcement Officer (CEO) Barela's Narcotic Detector Dog (NDD) alerted to the  
15 odor of a controlled substance in the area of the Chevrolet. CBPO Gordon escorted  
16 GUTIERREZ to secondary for further inspection.

17 In secondary, CBPO P. Farrier continued the inspection of GUTIERREZ. A  
18 search of the Chevrolet resulted in the recovery of 13 packages containing a green  
19 leafy substance. A sample of the substance field-tested positive for marijuana. The  
20 combined weight of the packages was 31.56 kilograms (69.43 pounds).

21 Special Agent (S/A) Timothy Henderson interviewed GUTIERREZ. SCBPO J.  
22 Campos read GUTIERREZ her constitutional rights per Miranda in Spanish with S/A  
23 Henderson present. GUTIERREZ waived her rights, agreeing to make a statement.

24 GUTIERREZ stated the she had never been told what would be in the vehicle.  
25 GUTIERREZ stated that she believed "drugs" were in the vehicle. GUTIERREZ said  
26 that she was to be paid to drive the Chevrolet to Rite Aid in Calexico.  
27  
28  
29